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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,825	11/24/2003	Craig L. Reding	03-1025	5353

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EXAMINER

PHAN, HUY Q

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/720,825	Applicant(s) REDING ET AL.	
	Examiner Huy Q. Phan	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-14,16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-14,16 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/08/2006 has been entered.

Response to Amendment

3. This Office Action is in response to Amendment filed on date: 04/06/2006.
Claims 1-7, 9-14, 16 and 17 are still pending.

Response to Arguments

4. Applicant's arguments, see remarks, filed on 04/06/2006, with respect to the amended claims have been fully considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

a) Claims 1-3, 6, 7, 9-14, 16 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Karve (US-2002/0137530).

Regarding claim 1, Karve discloses a method for providing SMS messages (fig. 3 and its description) to a receiving party (owner of telephone 10, [0029]) associated, able to communicate, with a plurality of devices (interpreted as “forwarding a received short message from the telephone 10 to another device or telephone” see [0029]), the method comprising:

receiving a SMS message for a first device (“telephone 10”) of the plurality of devices ([0028]-[0029]);

identifying a second device of the plurality of devices as a preferred device (“a predefined number” [0032]-[0035]) for receiving the SMS message based on information stored by the receiving party ([0032]-[0035]);

formatting the SMS message according to characteristics of the preferred device [0028]; and

sending the formatted message to the preferred device ([0032]-[0035]).

Regarding claim 2, Karve discloses the method of claim 1, wherein sending the formatted message comprises sending the formatted message to a SMS-capable device [0028].

Regarding claim 3, Karve discloses the method of claim 1, wherein sending the formatted message comprises sending the formatted message to an e-mail address (described as “the same or a similar manner as conventional email messages” see [0015] and [0008]).

Regarding claim 6, Karve discloses the method of claim 1, wherein sending the formatted message comprises sending the formatted message to digital companion client software (described as “the appropriate programming at the SMS center or by allowing the user to define forwarding address lists stored at the SMS center” see [0033]).

Regarding claim 7, Karve discloses the method of claim 1, comprising: storing messages in a database when the preferred device is not available to receive messages [0030].

Regarding claim 9, Karve discloses an apparatus (fig. 2 and description) for

providing SMS messages to a user (owner of telephone 10, [0029]) associated, able to communicate, with a plurality of devices (interpreted as “forwarding a received short message from the telephone 10 to another device or telephone” see [0029]), comprising:

- a database (“a memory at the SMS center” see [0033]) for storing information identifying each device of the plurality of devices (described as “identifying a pointer to a multiple destination address stored in a memory at the SMS center” see [0033]) and identifying a first device of the plurality of devices as a preferred device (described as “with the appropriate programming at the SMS center or by allowing the user to define forwarding address lists stored at the SMS center” see [0033]);

- a gateway server (“SMS center” see [0028]) for receiving a SMS message identifying a second device (“telephone 10”, see [0029]) of the plurality of devices (interpreted as “forwarding a received short message from the telephone 10 to another device or telephone” see [0029]);

- a server function for identifying the preferred device in response to receiving the SMS message [0033], the preferred device being different than the second device (two different devices); and

- a SMS server for sending the SMS message to the preferred device ([0033]-[0035]).

Regarding claim 10, Karve discloses the apparatus of claim 9, wherein the SMS server comprises a server that stores messages to a database when the preferred

device is not available to receive messages ([0028]-[0029]).

Regarding claim 11, Karve discloses the apparatus of claim 9, wherein the SMS server comprises a server that formats the SMS message in accordance with characteristics of the preferred device before sending the message to the preferred device ([0036]-[0040]).

Regarding claim 12, Karve discloses an apparatus for providing SMS messages to a user (owner of telephone 10, [0029]) associated, able to communicate, with a plurality of devices (interpreted as "forwarding a received short message from the telephone 10 to another device or telephone" see [0029]), comprising:

means for storing a specification of a preferred device ("a predefined number" [0032]-[0035]);

means for receiving a SMS message identifying one device ("telephone 10", see [0029]) of the plurality of devices [0028];

means for selecting the preferred device in response to receiving the SMS message ([0027]-[0035]), the preferred device being different than the identified one device (two different devices); and

means for sending the SMS message to the preferred device ([0032]-[0035]).

Regarding claim 13, Karve discloses the apparatus of claim 12, wherein the means for sending the SMS message comprises means for storing messages to a

database when the preferred device is not available to receive messages ([0028]-[0029]).

Regarding claim 14, Karve discloses the apparatus of claim 12, wherein the means for sending the SMS message comprises means for formatting the SMS message in accordance with characteristics of the preferred device before sending the message to the preferred device [0028].

Regarding claim 16, Karve discloses a method (fig. 3 and its description), comprising:

receiving a SMS message [0028] including information identifying a first destination device ("telephone 10", see [0029]);

identifying a second destination device ("a predefined number" [0032]-[0035]) in response to receiving the SMS message, the second destination device being different than the first destination device (two different devices);

formatting the SMS message based on the second destination device [0028];
and

sending the formatted SMS message to the second destination device ([0032]-[0035]).

Regarding claim 17, Karve discloses the method of claim 16 wherein the first destination device and the second destination device (interpreted as "forwarding a

received short message from the telephone 10 to another device or telephone" see [0029]) are associated, able to communicate, with a receiving party (owner of telephone 10, [0029]), and wherein the identifying includes: identifying the second destination device based on a profile associated with receiving party ([0032]-[0033]).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a) Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karve in view of Dehlin (US-2004/0203942).

Regarding claim 4, Karve discloses the method of claim 1 except wherein sending the formatted message comprises sending the formatted message to an instant messenger client. However in analogous art, Dehlin teaches wherein sending the formatted message comprises sending the formatted message to an instant messenger client (described as "The reply customized SMS message is translated into a reply instant message" or "SMS message has been identified as an instant message type" see abstract and [0031]). Since, Karve and Dehlin are related to the SMS of communication system; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Karve as taught by Dehlin for purpose of "enabling instant messaging on a mobile device" (see Dehlin's title

and specification).

b) Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karve in view of Sabo (US-2003/0096626).

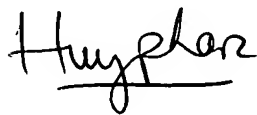
Regarding claim 5, Karve discloses the method of claim 1 except wherein sending the formatted message comprises sending the formatted message as a voice message to a phone. However in analogous art, Sabo teaches wherein sending the formatted message comprises sending the formatted message as a voice message to a phone (described as "SMSC 18 translates the secure SMS message to a voice message, using a text-to-speech translator 24 comprised in the SMSC, and transmits text message 38 as a voice message 40" see [0031]. Since, Karve and Sabo are related to the SMS of communication system; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Karve as taught by Sabo for purpose of "in the case of the landline telephone, the translation is preferably to speech in a text-to-speech converter associated with the SMSC" (see Sabo's specification, para. [0013]).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 571-272-7924. The examiner can normally be reached on 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



GEORGE ENG
SUPERVISORY PATENT EXAMINER

Examiner: Phan, Huy Q.

AU: 2617

Date: 06/13/2006